

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                            )  
                            ) CRIMINAL NO. 04-10288-RWZ  
v.                         )  
                            )  
CARLOS ESPINOLA, ET AL., )  
Defendants                 )  
                            )

GOVERNMENT'S MOTION IN LIMINE  
TO EXCLUDE REFERENCE TO PLEAS OF CO-DEFENDANTS

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro and David G. Tobin, Assistant U.S. Attorneys, respectfully requests this Honorable Court prohibit the defense in the above-captioned matter from referring to the disposition of the co-defendants' cases. The government seeks to exclude comments, questions, or other reference to the fact that various co-defendants pleaded guilty, the sentences the Court gave to the co-defendants, comments or findings the Court made during the sentencing of the co-defendants, including, but not limited to, comments about co-defendant Joseph Baldassano and his testimony at the sentencing hearing for co-defendants Matthew Cream and Jose Melo. This motion excludes reference to the fact that co-defendant Baldassano pleaded guilty pursuant to a plea agreement with the United States.

The United States submits that reference to the above-specified topics would have no probative value, and improperly influence the jury.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ David G. Tobin  
DAVID G. TOBIN  
MICHAEL J. PELGRO  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 2, 2006.

/s/: David G. Tobin

DAVID G. TOBIN